THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P. NO.14301 OF 2006

BETWEEN:

Chinni Subba Rao

…petitioner

Vs.

The Commissioner, Endowments Department, Hyderabad and others

.. Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P. NO.14301 OF 2006

ORAL ORDER

By the impugned order dated.26-12-2005 the 2nd respondent exercising *suo motu* jurisdiction under Sec.92 of the Andhra Pradesh Charitable and Hindu religious Institutions & Endowments Act,1987 (for short "the Act") set the petitioner *ex parte* on the ground that there was no representation on his behalf and has also set aside the order of the 4th respondent herein dated.13-05-2004 whereby the writ petitioner was recognized and declared as founder trustee of Sri Vakati Sanjeevi Setty Educational Trust known as Sri Sarvodaya Education Committee and Sri Sarvodaya College Committee, Nellore.

Against the said order, the petitioner on 16-02-2006 preferred an application for setting aside the *ex parte* order dated.26-12-2005. It is submitted by the learned counsel for the petitioner that since the then incumbent of the 2nd respondent office was placed under suspension pending inquiry in view of initiation of certain disciplinary proceedings, the 3rd respondent is in charge holding a post of Regional Joint Commissioner, Endowments, Tirupati and therefore the 3rd respondent is not disposing of the petitioner's application dated.16-02-2006 for setting aside the *ex parte* order of the 2nd respondent. In the circumstances the petitioner has filed this writ petition challenging the 2nd respondent's order dated.26-12-2005 in R.P.No.10 of 2004.

As the petitioner has filed an application dated.16-02-2006 seeking setting aside of the *ex parte* order, impugned herein, it would not be appropriate to this Court to go into the validity of the 2nd

respondent's order in R.P.No.10 of 2004.

In the circumstances and on the view stated above, the writ petition is disposed of directing the 1st respondent to make appropriate administrative arrangements for appointing the Regional Joint Commissioner, Endowments Department, Multi zone-II, Tirupati either by conferring appropriate power in an in charge officer, by posting or causing to be posted an officer as Regional Joint Commissioner or alternatively the 1st respondent himself taking up the hearing of the application, as the power under Sec.92 is the power of the Commissioner. The 1st respondent shall ensure that the application of the petitioner dated.16-02-2006 is disposed of expeditiously and preferably within a period of 30 days from the date of receipt of a copy of this Order.

The writ petition is disposed of at the stage of admission after hearing the learned Government Pleader Endowment. In the circumstances no order as to costs.

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GODA RAGHURAM,J

29th DECEMBER 2006

***TSNR**